EXHIBIT E

Richard Campbell
Campbell and Stone
4745 Caughlin Parkway, Suite 200
Reno, Nevada 89509
Tel: (775) 332-0707
Fax: (775) 332-0714

Counsel for Petitioners

FILED

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JANETTE M. BLOOM
CLERK OF SUPREME COURT
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IN THE SUPREME COURT
FOR THE STATE OF NEVADA

MINERAL COUNTY, a Political Subdivision of the State of Nevada; and the WALKER LAKE WORKING GROUP,

Petitioners,

v.

STATE OF NEVADA; NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, an agency of the State of Nevada; PETER MORROS, Director of the Department of Conservation and Natural Resources; and, MICHAEL TURNIPSEED, State Engineer,

Respondents.

Case No. 36352

PETITION FOR WRIT OF MANDAMUS AND WRIT OF PROHIBITION

Pursuant to NRS § 34.150 et seq., and NRAP 21, Petitioners hereby petition this Court for the issuance of a Writ of Mandamus and Writ of Prohibition, directing Respondents to cease issuing water rights in the Walker River system, and to fulfill their affirmative and mandatory public trust obligation to manage the waters of the Walker River system in a manner which ensures that flows reaching Walker Lake will be adequate to sustain the lake's public trust uses, including fisheries, recreation, and wildlife habitat. Petitioners also ask that Respondents be directed to reconsider past allocation and management decisions in the Walker River basin to halt and reverse the ongoing, substantial impairment of Walker Lake and its public trust uses.

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This Petition is brought on the following grounds:

1. The public trust doctrine requires the State of Nevada and its agents, the Department of Conservation and Natural Resources and the State Engineer, to affirmatively manage and regulate Walker Lake, and the lands underneath, for the protection of public uses, including navigation, commerce, fisheries, recreation, and wildlife. Pursuant to the public trust doctrine, Respondents cannot abdicate their interests in the beds or the waters of Walker Lake to the use and control of private parties, or allow the substantial impairment of the public's interest in the trust resource.

2. Respondents, having authority and control over the water resources of the Walker River basin and the appropriation of those waters, have violated and continue to violate the public trust doctrine by managing the waters of the Walker River system, including the granting of water rights and groundwater pumping permits, and allowing the withdrawal of surface and groundwater without such permits, in a manner that has caused and is causing the substantial impairment, decline, degradation and loss of Walker Lake, its fisheries, wildlife habitat, and recreational values.

3. Respondents have further violated and continue to violate the public trust by allowing the lake levels of Walker Lake to substantially recede, thereby potentially placing into dispute the title to state lands that were at one time beneath Walker Lake.

4. Petitioners Mineral County and the Walker Lake Working Group have suffered and continue to suffer significant harm as the result of Respondents' actions. The substantial impairment of Walker Lake's public trust uses has caused and continues to cause injury to Petitioners' economic interests, as well as their recreational, aesthetic, and ecological use and enjoyment of Walker Lake. A Writ of Mandamus and Writ of Prohibition are necessary and proper to remedy Petitioners' ongoing harm and to prevent further harm and injury to Petitioners.

5. Petitioners have no plain, speedy, or adequate remedy at law to compel Respondents to perform their affirmative duties under the public trust doctrine, or to prevent Respondents from further violating their public trust duties.

6. The Nevada Supreme Court is the appropriate forum for this Petition. The Petition involves the future of Walker Lake, a public resource of great importance to the citizens of Nevada. The Petition also represents a case of first impression concerning the purposes, scope, and duties imposed upon the State of Nevada by the public trust doctrine. The Petition will have important and substantial implications for water users and water resources throughout Nevada. In addition, the material facts concerning the substantial impairment of Walker Lake and its public trust resources are not in substantial dispute.

7. This Petition is based upon the Affidavit of Louis D. Thompson in Support of Petition for Writ of Mandamus and Writ of Prohibition, including the attached Exhibits, and the Memorandum of Points and Authorities filed herewith.

WHEREFORE, Petitioners request that this Court:

A. Issue a Writ of Prohibition preventing Respondents from granting any additional rights to withdraw surface water or groundwater from the Walker River system;

B. Issue a Writ of Mandamus compelling Respondents to reconsider the appropriation and allocation of the waters of the Walker River system to provide for an annual instream flow to Walker Lake reasonably calculated to ensure the sustainability of the lake's public trust uses, including fisheries, recreation, and wildlife;

C. Award Petitioners' costs and reasonable attorney fees in this action, pursuant to NRS § 18.010; and,

D. Grant such other and further relief as the court may deem just and proper.

Dated this 23 day of June, 2000.

Respectfully submitted,

Richard Campbell
Counsel for Petitioners